

January 6, 2014

Permit Supervisor, Utah Coal Regulatory Program  
Utah Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, UT 84114-5801

Re: Submittal of Revision to Gordon Creek Permit, Chapter 2  
Gordon Creek 2/7/8, C/007/016, Canyon Fuel Company, LLC

Dear Sirs:

Please find enclosed with this letter an amendment to the Gordon Creek Mine Permit to address revision to Chapter 2 (Legal, Financial and Compliance). We have included two redline/strikeout copy of the text.

The changes include references to a General Chapter One binder and a change in ownership and control.

If you have questions or need addition information please contact Vicky Miller at (435) 286-4481.

Sincerely yours,



Vicky S. Miller

Encl.

cc: DOGM Correspondence File

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JAN 07 2014

DIV. OF OIL, GAS & MINING

# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change ☒ New Permit ☐ Renewal ☐ Exploration ☐ Bond Release ☐ Transfer ☐

**Permittee:** Canyon Fuel Company, LLC

**Mine:** Gordon Creek No. 2/7/8

**Permit Number:** C/007/016

**Title:** Submittal of Revisions to Gordon Creek Permit, Chapter 2

**Description:** Include reason for application and timing required to implement:

**Instructions:** If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- ☐ Yes ☒ No 1. Change in the size of the Permit Area? Acres: \_\_\_\_\_ Disturbed Area: \_\_\_\_\_ ☐ increase ☐ decrease.
- ☐ Yes ☒ No 2. Is the application submitted as a result of a Division Order? DO# \_\_\_\_\_
- ☐ Yes ☒ No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- ☐ Yes ☒ No 4. Does the application include operations in hydrologic basins other than as currently approved?
- ☐ Yes ☒ No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- ☐ Yes ☒ No 6. Does the application require or include public notice publication?
- ☒ Yes ☐ No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- ☐ Yes ☒ No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- ☐ Yes ☒ No 9. Is the application submitted as a result of a Violation? NOV # \_\_\_\_\_
- ☐ Yes ☒ No 10. Is the application submitted as a result of other laws or regulations or policies?
- Explain: \_\_\_\_\_
- ☐ Yes ☒ No 11. Does the application affect the surface landowner or change the post mining land use?
- ☐ Yes ☒ No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- ☐ Yes ☒ No 13. Does the application require or include collection and reporting of any baseline information?
- ☐ Yes ☒ No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- ☐ Yes ☒ No 15. Does the application require or include soil removal, storage or placement?
- ☐ Yes ☒ No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- ☐ Yes ☒ No 17. Does the application require or include construction, modification, or removal of surface facilities?
- ☐ Yes ☒ No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- ☐ Yes ☒ No 19. Does the application require or include certified designs, maps or calculation?
- ☐ Yes ☒ No 20. Does the application require or include subsidence control or monitoring?
- ☐ Yes ☒ No 21. Have reclamation costs for bonding been provided?
- ☐ Yes ☒ No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- ☐ Yes ☒ No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

**Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you.** (These numbers include a copy for the Price Field Office)

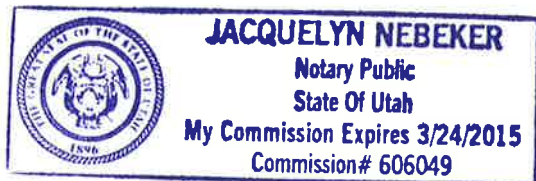
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein

Chris D. Hansen  
Print Name

Chris D. Hansen Env. Director 12-12-13  
Sign Name, Position, Date

Subscribed and sworn to before me this 12 day of December, 2013

Jacquelyn Nebeker  
Notary Public  
My commission Expires: \_\_\_\_\_, 20\_\_\_\_ }  
Attest: State of Utah } ss:  
County of Garfield



**For Office Use Only:**

**Assigned Tracking  
Number:**

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**JAN 07 2014**

**DIV. OF OIL, GAS & MINING**

# APPLICATION FOR COAL PERMIT PROCESSING

## Detailed Schedule Of Changes to the Mining And Reclamation Plan

**Permittee:** Canyon Fuel Company, LLC

**Mine:** Gordon Creek No. 2/7/8

Permit Number: C/007/016

**Title:** Submittal of Revisions to Gordon Creek Permit, Chapter 2

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

## DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

[illegible]

**Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.**

1/6/14

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## DIV. OF OIL, GAS & MINING

January 6, 2014

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Utah Division of Oil, Gas and Mining  
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|---|--|
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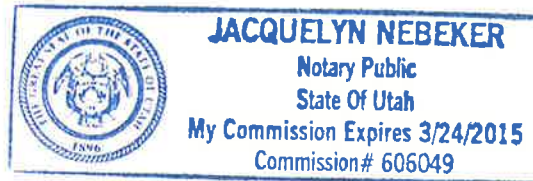
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Chris D. Hansen  
Print Name

Chris D. Hansen Env. Director 12-12-13  
Sign Name, Position, Date

Subscribed and sworn to before me this 12 day of December, 2013

Jacquelyn Nebeker  
Notary Public  
My commission Expires: \_\_\_\_\_, 20\_\_\_\_  
Attest: State of Utah } ss:  
County of Garfield



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**DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED**☐ Add    ☒ Replace    ☐ Remove

Chapter 2, Legal, Financial Compliance and Related Information

☐ Add    ☐ Replace    ☐ Remove

— — — — —

**Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.**

1/6/14

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## DIV. OF OIL, GAS & MINING

*Mining and Reclamation Plan*  
*Gordon Creek No. 2/7/8 Mines*

*CHAPTER 2*  
*LEGAL, FINANCIAL*  
*COMPLIANCE AND*  
*RELATED INFORMATION*

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CHAPTER 2

LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION

2.1 Scope

The scope of the legal, financial, compliance and related information chapter of this mining and reclamation plan is to describe the status of the owner of the Canyon Fuel Company, LLC (hereinafter any reference to "Mountain Coal" or "Mountain Coal Company" should be read to mean "Canyon Fuel Company, LLC") Gordon Creek No.2, 7 and 8 Mines, including the new federal coal lease, and to document its right to mine the property. Sections within this chapter cover the following major topics; identification of interests, right of entry and operation information, other license and permits, location of public office for filing applications, and newspaper publication.

2.2 Identification of Interests

For additional information pertaining to this section refer to the General Chapter 1 binder.

2.2.1 Permit Applicant

The permit applicant, name and address, including telephone number:

Canyon Fuel Company, LLC  
Principal Address:  
225 North 5<sup>th</sup> Street, Suite 900  
Grand Junction, CO 81501  
Utah Address:  
597 South State Road 24  
Salina, UT 84654  
Phone Number (435) 286-4880

Since the mines are permanently closed, no further abandoned mine land reclamation fees are paid for this property.

2.2.2 Owner of Record of Surface Area and Coal Rights.

Every legal or equitable owner of record of the areas to be affected by surface operations and facilities and every legal or equitable owner of record of the coal to be mined (including contiguous areas):

(a) Surface

- (i) Carbon County  
Courthouse Bldg.  
Price, Utah 84501
- (ii) Helper Associates  
178 South Main Street  
Helper, Utah 84526
- (iii) Novell A. and Catherine P. Jewkes  
730 No. 4th East  
Price, Utah 84501
- (iv) Jacob Family Ranch, LLC  
914 East 300 North  
Orem, Utah 84097
- ~~(v) Calvin K. Jacob and Sons~~  
~~734 North 4th East~~  
~~Price, Utah 84501~~
- (vi) Eldred E. Peirce, Jr.  
Rt. 1, Box 143  
Price, Utah 84501
- (vii) Wasatch Coal Co.  
1322 Chandler Drive  
Salt Lake City, Utah 84103

(b) Coal

- (i) United States of America  
Bureau of Land Management  
Price River Resource Area  
P.O. Box AB  
Price, Utah 84501
- (ii) Wastach Coal Co.  
1322 Chandler Drive  
Salt Lake City, Utah 84103
- (iii) Helen Marakis  
165 East 1st South  
Price, Utah 84501

2.2.3 Holder of Leasehold Interests in Surface Area and of Coal Rights.

The holder of record of leasehold interests in areas to be affected by surface operations of facilities and the holders of record of any leasehold interest in the coal to be mined is shown below:

(a) Leasehold interest in surface:

~~Calvin K. Jacob and Sons~~  
~~734 So. Cherry Drive~~  
Jacob Family Ranch LLC  
914 East 300 North  
Orem, Utah 84097

(b) Leasehold interest in coal: Canyon Fuel Company, LLC

2.2.4 Purchases of Record Under a Real Estate Contract for Surface Area or Coal.

Any purchaser of record under a real estate contract of the area to be affected by surface operations and facilities and any purchaser of record under a real estate contract of the coal to be mined:

None.

2.2.5 Operator.

The operator, if the operator is a person different from the applicant, including his or her telephone number:

The operator is the same as the applicant.

2.2.6 Resident Agent.

The resident agent of the applicant who will accept service of process, including his or her telephone number:

The Corporation Trust Company  
1209 Orange Street,  
Wilmington, Delaware 19801  
Telephone Number: 1-(800)441-9820

2.2.7 Business Designation.

A statement of whether the applicant is a corporation; partnership, single proprietorship, association or other business entity:

The applicant is a Delaware LLC.

2.2.7.1 Officers and Directors of the Applicant and  
Principle Shareholder of Applicant

The names and addresses of every officer, partner, director, or other person performing a function similar to a director of the applicant refer to General Chapter 1.

OFFICER	TITLE	ADDRESS
<del>E.E. DiClaudio</del>	<del>President and Director</del>	<del>224 North 5<sup>th</sup> Street Suite 900 Grand Junction, CO 81501</del>
<del>K.D. Cochran</del>	<del>Director</del>	<del>One Cityplace Drive, Suite 300 St. Louis, MO 63141</del>
<del>P.A. Lang</del>	<del>Director</del>	<del>One Cityplace Drive, Suite 300 St. Louis, MO 63141</del>
<del>C.D. Steele</del>	<del>Vice President — Tax</del>	<del>One Cityplace Drive, Suite 300 St. Louis, MO 63141</del>
<del>J.E. Florezak</del>	<del>Vice President and Treasurer</del>	<del>One Cityplace Drive, Suite 300 St. Louis, MO 63141</del>
<del>J.J. Mermis</del>	<del>Assistant Secretary</del>	<del>One Cityplace Drive, Suite 300 St. Louis, MO 63141</del>
<del>J.S. Ploetz</del>	<del>Secretary</del>	<del>One Cityplace Drive, Suite 300 St. Louis, MO 63141</del>

~~2.2.7.2    Principal Shareholder of the Applicant~~

~~The name and address of any person who is a principal  
shareholder of the applicant~~

~~Arch Western Bituminous Group, LLC  
(Delaware Limited Liability Company)  
One CityPlace Drive, Suite 300  
St. Louis, MO 63141~~

~~2.2.7.3    Names Under Which Applicant and Principal  
Shareholder Operated U.S. Coal Mines.~~

Names under which the applicant, partner, or principal shareholder previously operated underground or surface coal mining operations in the United States within the five years preceding the date of application:

None

2.2.7.4 Principals, Officers and Resident Agents.

~~If any owner, holder, purchaser, or operator identified under paragraph 2.,2. of the section is a business entity other than a single proprietor, the application shall contain the names and addresses of their respective principals, officers and resident agents.~~

~~The officers and directors of Canyon Fuel Company, LLC, the owner identified in 2.2.2, are the same as the applicant in Section 2.2.7.1.~~ For information pertaining to this section refer to General Chapter 1 binder.

2.2.8 Current, Pending or Previous Coal Mining Permits.

A statement of any current or previous coal mining permits in the United States held by the Applicant subsequent to 1970 and by any person identified in paragraph 2.2.7.3 of this section and of any pending permit application to conduct underground or surface coal mining activities in the United States. The information shall be listed by permit or application number and identify the division for each of those coal mining operations: For additional information pertaining to this section refer to the General Chapter 1 binder.

See Appendix 2-1 - Coal Mining Permits- Approved and Pending.

2.2.9 Owner of Record of Surface and Subsurface Areas Contiguous to Proposed Permit Area.



The names and addresses of the owners of record of all surface and subsurface areas contiguous to any part of the proposed permit area:

(a) Contiguous Surface

- (i) Carbon County  
Courthouse Bldg.  
Price, Utah 84501
- (ii) Helper Associates  
178 South Main Street  
Helper, Utah 84526
- (iii) Movel I A. and Cathrine P. Jewkes 730 No. 4th  
East Price, Utah 84501
- (iv) Calvin K. Jacob and Sons  
734 North 4th East  
Price, Utah 84501
- (v) Eldred E. Peirce, Jr.  
Rt. 1, Box 143  
Price, Utah 84501
- (vi) Wasatch Coal Co.  
1322 Chandler Drive  
Salt Lake City, Utah 84103

(b) Contiguous Subsurface

- (i) United States of America  
Bureau of Land Management  
Price River Resource Area  
P.O. Box AB  
Price, Utah 84501

(ii) Wasatch Coal Co.  
1322 Chandler Drive  
Salt Lake City, Utah 84103

(iii) Helen Marakis  
165 East 1st South  
Price, Utah 84501

2.2.10 Mine Name and MSHA Identification.

The name of the proposed mine and the Mine Safety and Health Administration identification number for the mine and all section:

(a) Mine Name

Canyon Fuel Company, LLC  
Gordon Creek No.2,7 and 8 Mines

(b) MSHA Identification Number

No. 2 42-00125  
No. 7 42-01814  
No. 8 42-01968

2.2.11 Applicant's Interest in Areas Contiguous to Proposed Permit Area.

A statement of all lands, interests in lands, options or pending bids on interests held or made by the applicant for lands which are contiguous to the area to be covered by the permit:

None.

2.3 Compliance Information

2.3.1 Status of Mining Permits or Bonds.

A statement of whether the applicant, any subsidiary, affiliate or person controlled by or under common control has had any federal or state mining permits suspended or revoked in the last five years or has forfeited a mining bond or security deposit:

(a) Permits Suspended or Revoked

None

(b) Bond or Security Forfeited

None.

2.3.2 Suspension, Revocation or Forfeiture.

Each application shall describe all proceedings identified under 2.3.1 and the status of any suspension, revocation or forfeiture proceedings:

None.

2.3.3 Compliance Information.

A list of all notices or violation received by the applicant in the past 3 years for violations pertaining to air or water environmental protection:

See Appendix 2-2 - Compliance History and General  
Chapter 1, Table 1-2.

2.4 Right of Entry and Operation Information.

A description of the documents upon which the applicant bases its legal right to enter and begin underground coal activities in the permit area and whether the rights are the subject of pending litigation. For underground activities where operations involve the surface mining of coal, evidence of the right to surface mine must be provided:

(a) Documents Establishing Rights

See Tables 4-1 and 4-2 for all required leases, easements and rights to access.

(b) Pending Litigation

None.

(c) Surface Mining Rights

None.

2.5 Relationship to areas Designated Unsuitable for Mining.

The relationship of the permit area to possible areas designated as being unsuitable for mining, whether an exemption is claimed under the regulations, and whether surface operations will be conducted within 300 feet of occupied dwellings;

(a) Areas Designated Unsuitable for Mining.

The proposed permit area is not within an area designated unsuitable for the surface effects of underground coal mine activities under the R645 regulations. Neither is the proposed permit area under study for designation in an administrative proceeding initiated under those parts. Mining would not affect renewable resource lands and would not result in substantial loss of food, fiber, or water supply. The permit area contains no prime farmland or merchandisable timber. Mining would not affect natural hazard lands and thereby endanger life and property. In addition, the permit area includes no cemeteries, no national trails, no wild and scenic rivers, no wilderness or wilderness study areas, and no sufficient harvestable forest cover.

(b) Exemption

The applicant does not claim exemption.

(c) Dwellings

There are no occupied dwellings within 5 miles of the proposed permit areas.

2.6 Permit Term Information.

The number of surface acres to be affected and the horizontal and vertical extent of the workings:

(a) Surface Acres Affected

The number of surface acres disturbed by the operation is 20.3 acres. In addition, some 2286.05 acres of the permit area has some potential to be affected by underground mining. There are no plans for additional surface disturbance for this operation. Mining is completed at this operation.

(b) Horizontal Extent of Underground Workings

All 2286.05 acres of the permit area may be affected by underground development.

(c) 2.6.3 Vertical Extent of Workings

The work performed within the permit area will remain within the Castle Gate "A" seam. The Castle Gate "A" seam is the only economically minable seam in the area.

(d) Permit Term

This permit will be for the term of the previous permit - starting on August 28, 1994 through August 28, 1999. The permit is expected to be renewed at 5 year intervals until final bond release.

2.7 Personal Injury and Property Damage Insurance Information.

A certificate of liability insurance is located in General Chapter 1, Appendix 1-2. ~~or evidence that the self insurance requirements are satisfied.~~

~~See Appendix 2-3 - Certificate of Liability Insurance.~~

2.8 Proposed Performance Bond.

A performance bond in the name of Canyon Fuel Company, LLC is included.

See Appendix 2-4

2.9 Identification of Other Licenses and Permits.

A list of all other licenses and permits under applicable state and federal law needed by the applicant to conduct underground coal mining activities:

See Appendix 2-5 - Other Licenses and Permits.

2.10 Identification of Location of Public Office for Filing of Application.

Canyon Fuel Company, LLC will simultaneously file a complete copy of this permit application for public inspection with:

- (a) Utah Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801

2.11 Newspaper Advertisement and Proof of Publication.

On the date of the filing of the permit application with the Division of Oil, Gas and Mining, the applicant will also file an advertisement in the Sun-Advocate, a local newspaper with circulation in Carbon County sufficient to cover the locality of the applicants operations. This advertisement will be run as required. A copy of the proposed advertisement is attached.

See Appendix 2-6